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which has become necessary as an international matter because of the provisions of its domestic legislation. If Mexico does not contemplate a confiscatory policy, the Government of the United States can conceive of no possible objection to the treaty.

There was no echo of saber-rattling in Secretary Hughes's statement. The impression gathered from his words and from officials at the State Department was that if Mexico refuses to guarantee protection of American rights, recognition of the Mexican Government will be withheld and the somewhat strained relations existing at present will continue. The compulsion to be brought to bear would be moral and possibly economic. It is not believed that, conditions remaining as they are, there would be any serious consideration of attempting to enforce the American Government's views by use of arms.

Mr. Hughes made plain a hands-off policy with respect to Mexico's internal affairs. Demanding what he regards as justice to American interests and security of American lives, he virtually said that was the whole of the American Government's concern in Mexico. The question of protecting American rights, he held, "should not be confused with any matter of personality or of the recognition of any particular administration. Whenever Mexico is ready to give assurances that she will perform her fundamental obligation in the protection both of persons and of property validly acquired, there will be no obstacles to the most advantageous relations between the two peoples."

Recognition of the Mexican Government will come automatically with the completion of the treaty proposed by this government, Secretary Hughes pointed out. The treaty also would provide for settlements of claims for lives and property lost during the several years of disorder in Mexico and for adjustments of other matters.

Mr. Hughes, in his statement, explained:

The proposed treaty also contains the conventional stipulation as to commerce and reciprocal rights in both countries. It also provides for the conclusion of a convention for the settlement of claims for losses of life and property, which, of course, means the prompt establishment of a suitable claims commission in which both countries would be represented in order to effect a just settlement. There is also a provision for a just settlement of boundary matters.

The question of recognition is a subordinate one, but there will be no difficulty as to this, for if General Obregon is ready to negotiate a proper treaty and it is drawn so as to be negotiated with him, the making of the treaty in proper form will accomplish the recognition of the government that makes it. In short, when it appears that there is a government in Mexico willing to bind itself to the discharge of primary international obligations, concurrently with that act its recognition will take place. This government desires immediate and cordial relations of mutual helpfulness, and simply wishes that the basis of international intercourse should be properly maintained.

General Obregon was quoted, shortly after it became known that Mr. Summerlin had been ordered to present the American Government's view, as saying:

We have no objection to making a treaty which would establish important policies affecting the two countries. But a treaty between independent nations must contain reciprocal advantages. Such a treaty Mexico is ready to negotiate. There is, however, no factor in the actual circumstances between the United States and Mexico, and no precedent in international law, to justify a demand that Mexico sign a treaty as the price of formal recognition.

HOUSE AND SENATE CLASH OVER TERMS OF PEACE RESOLUTION

Whether with the approval, if not the suggestion, of the Administration, as is reported in the case of the proposal to substitute the Porter disarmament resolution for the Borah resolution, or because of an apparently growing independence of the Senate among members of the House, Representative Porter, chairman of the House Foreign Affairs Committee, also has framed and brought out of the committee a substitute for Senator Knox's peace resolution, and the House has passed it overwhelmingly.

It has been intimated that, even though the Administration did not instigate the introduction of and favorable report on the Porter peace resolution, it may be served thereby, should the international situation be one in which delay in passing the peace resolution would be helpful. It is known that while the reparations issue hung in the balance, the Administration was not anxious that the peace resolution go through Congress, fearing that it might prove a disturbing influence in an already difficult situation. But at the very time that became reliably known, it also became known from the same authoritative sources that leaders in the Senate had informed the Administration that they would defer action on the Knox resolution should the international situation require delay, in the view of those charged with conduct of foreign affairs.

A note appears in the report of the House Foreign Affairs Committee on the Porter resolution which suggests that the seemingly growing independence of the Senate among members of the House may have found expression in a move to "protect" the President against any disposition in the Senate to encroach upon the President's constitutional prerogatives in handling foreign negotiations. Whether there is any disposition in the Senate to encroach and whether the President needs "protection" if there is any such disposition are other questions; but in the House committee's reports occurs this language, which may be significant: "The substitute (the Porter peace resolution) fully recognizes that the Constitution vests in the President the exclusive power to make a treaty with our late enemies, subject to ratification by the Senate. It does not fix any terms or conditions of such a treaty, but it leaves the President as free and unhampered in negotiating a treaty after its passage as before."

Of the actual differences between the Knox resolution, which passed the Senate, and the Porter resolution, which has been reported from the House committee as a substitute for the Knox measure, one stressed by the House leaders is that the Porter resolution merely declares the war between the United States and Germany and Austro-Hungary terminated, while the Knox resolution repeals the declaration of war. Mr. Porter and his supporters hold, first, that, as in the case of the disarmament resolutions, the Porter resolution keeps in exact harmony with the President's public statements; and, second, that it may be unwise to have this country put in the position of having repealed its war declaration. They fear the possibility, they say, of improper deductions from a repealer.

Their ideas are set out in the following excerpt from the report of the House Committee on Foreign Affairs:

The President in his message of April 12, 1921, said:

"To establish a state of technical peace without further delay, I should approve a declaratory resolution of Congress

to that effect, with the qualifications essential to protect all our rights. . . . Such a resolution should undertake to do no more than thus declare the state of peace which all America craves."

Section 1 of the pending substitute is a declaration by Congress establishing "a state of technical peace" and "undertakes to do no more." Section 2 reserves all of the rights of the United States by reason of its participation in the war and otherwise, and embodies "the qualifications essential to protect all our rights."

The Constitution vests in Congress all the war powers, among which is the power to declare war, and by necessary implication the power to declare a state of peace. A declaration of a state of war and a declaration of a state of peace are "findings of fact." The declaration of a state of war has been executed by bringing the conflict to a successful termination; it therefore becomes the duty of Congress to find this fact officially by declaring a state of peace. They are separate and distinct acts, and it is unnecessary and perhaps unwise to repeal the declaration of a state of war, which might raise the inference that we have disavowed or repudiated the war, and the annulment of it might be construed as a mild apology for our participation therein.

The other differences between the two resolutions apparently consist mainly in the reservation of American rights in the Porter resolution being stated more generally than in the Knox resolution, which particularizes.

The text of the Porter resolution reads:

That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of an Act or Acts of Congress; or otherwise.

SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917, is hereby declared at an end.

SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

The Knox resolution's text reads:

JOINT RESOLUTION

Repealing the joint resolution of April 6, 1917, declaring a state of war to exist between the United States and Germany, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That

the joint resolution of Congress passed April 6, 1917, declaring a state of war to exist between the Imperial German Government and the Government and people of the United States, and making provisions to prosecute the same, be, and the same is hereby, repealed, and said state of war is hereby declared at an end: *Provided, however,* That all property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of the Government of the United States or of any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States and no disposition thereof made, except as shall have been heretofore or specifically hereafter be provided by Congress, until such time as the German Government has, by treaty with the United States, ratification whereof is to be made by and with the advice and consent of the Senate, made suitable provisions for the satisfaction of all claims against the German Government of all persons, wheresoever domiciled, who owe permanent allegiance to the United States, and who have suffered through the acts of the German Government or its agents since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also provisions granting to persons owing permanent allegiance to the United States, most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce, and industrial property rights, and confirming to the United States all fines, forfeitures, penalties, and seizures imposed or made by the United States during the war, whether in respect to the property of the German Government or German nationals, and waiving any and all pecuniary claims based on events which occurred at any time before the coming into force of such treaty, any existing treaty between the United States and Germany to the contrary notwithstanding.

SEC. 2. That until by treaty or Act or joint resolution of Congress it shall be determined otherwise, the United States, although it has not ratified the treaty of Versailles, reserves all of the rights, powers, claims, privileges, indemnities, reparations, or advantages to which it and its nationals have become entitled, including the right to enforce the same, under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof, or which under the treaty of Versailles have been stipulated for its benefit or to which it is entitled as one of the principal allied and associated powers.

SEC. 3. That the joint resolution of Congress approved December 7, 1917, "declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provisions to prosecute the same," be, and the same is hereby, repealed, and said state of war is hereby declared at an end.

While the respective proponents of the Knox and Porter resolutions face each other in battle array, Democrats of the House, under the leadership of Hal D. Flood, former chairman of the Foreign Affairs Committee, and now ranking Democratic member, attack both positions in a minority report on the Porter substitute to the Knox resolution. In this report, ratification of the Treaty of Versailles or negotiation of a new treaty is recommended; numerous dangers are held to inhere in any other policy.

The Flood minority report follows:

We are opposed to Senate joint resolution 16 as amended by the House Foreign Affairs Committee—

First. Because we do not believe under the Constitution we can by an act of Congress enter into contracts with another Government. We do not believe that Congress has such power, and think it is an invasion of the treaty-making power, which is a constitutional prerogative of the President, by and with the advice and consent of the Senate, two-thirds of the Senators concurring.

Second. Because we do not believe that the resolution will accomplish anything. It will not benefit a single American citizen, institution, or interest. It will place this country at great disadvantage in negotiating treaties with the enemy countries, and will sacrifice the interests of thousands of our citizens, and cost this country and its nationals millions of dollars.

Its proponents claim that it will restore peace and help our trade with Germany. It will do neither.

It will not restore peace, for we are already at peaceful relations with the peoples of those countries.

It will restore only a status of peace, which does not exist now, and which should not exist until the disputed questions between this country and the countries with which we were at war growing out of the war are settled by negotiations or imposed agreements.

It will not advance our trade with Germany, for that is going forward as rapidly as German financial conditions and credits will permit. This year—that is, during the year ending June 30, 1921—our export trade with Germany will be larger than it ever was with that country, being about \$400,000,000, as against \$352,000,000 in 1913, the high-water mark in our trade with that country.

Third. Because it is positively injurious to the interests of America and her nationals.

If we restore the status of peace before our difficulties with Germany are settled, we surrender the advantage of the position which we hold as a belligerent, and which all of the allied powers had when they negotiated their terms of peace with Germany.

We endanger and leave unsettled—

(a) The right to use the property in the hands of the Alien Property Custodian to satisfy claims of America and her nationals for damage done to them during the war.

(b) The title to the ships taken during the war.

(c) Our passport system in a most unsatisfactory condition.

(d) We open up to the representatives of commercial houses in Germany our whole country, with no such right on the part of our commercial houses to send representatives to Germany.

(e) The reparation for the maintenance of our troops on the Rhine, which at this time is some \$250,000,000.

(f) We make no provision for the protection of American nationals in Germany.

(g) The right to the patents which we took over during the war.

(h) We very much complicate our tariff system, and run the risk of having the German, or autonomous, tariff rates applied to American products shipped to Germany.

We believe we will run the risk of all these losses if this resolution is passed. Others may disagree with us, but Germany will certainly make these claims as soon as we are at peace with her, and the fact that she makes them will render it much more difficult for us to get her to agree to our conditions.

Fourth. In consideration for the removal of the war status, we receive no compensated return. True the resolution recites that we shall retain the property already seized by our forces. But we assert that these reservations add nothing to our title or to our security to this property, and do nothing more than serve notice upon the German Government as to what our position will be with respect to this property. The Versailles treaty is only binding upon those powers which have exchanged ratifications. We have not ratified the treaty, and Germany is not bound to satisfy the claims of our Government or our nationals.

Fifth. This resolution will only serve to strengthen Germany's claim that the seizure by our Government of the property of Germany and German nationals, including the ships in our ports, was unlawful and in violation of our treaties of 1799 and 1828.

Sixth. We cannot by this resolution either persuade or compel Germany to reciprocate by similar legislation, and the only way known to the law to settle these questions between Germany and ourselves is either by treaty negotiations, or an agreement secured by force, or the threat of force.

Seventh. Germany has shown no disposition voluntarily to make settlement with any of our allies or ourselves on an equitable basis for the damages she did.

Eighth. We conclude, therefore, if the administration is not willing to ratify the Versailles treaty upon such reservation, and upon such terms and conditions as will secure for the United States and its nationals all the rights and privileges which are provided under the Versailles treaty, we suggest that before this resolution is passed we request the President to enter into communication with the enemy governments and negotiate treaties by which they will agree to adjust all differences fairly to it, ourselves, and our associates. If our enemy governments will not enter into a treaty along these lines while a status of war is in effect they will not do so with the status of peace established. If they do enter into such agreements, we believe they will do so more readily and expeditiously while the status of war remains than if we declared we were at peace with them. In any event, we will have all the advantages thereby in our negotiations by retaining the present status.

From whatever angle this resolution is viewed, it presents itself as a proposition not only altogether ineffective in achieving its proclaimed purpose, but as a sure method of confusing our foreign relations, injecting new and complicated questions into an already difficult situation, and involving a surrender of American rights and an impairment of American prestige and honor.

THE UNIONIST TRIUMPH—A PROBLEM FOR SINN FEIN

THE UNIONISTS triumphed in a sweeping, overwhelming manner in the elections in northern Ireland. Ulster has taken its stand with England, as generally expected, but with a positiveness that was wholly unexpected. Four-fifths of the 52 seats have been carried by Sir James Craig's following. Instead of the expected Unionist majority of about 14, there is one of approximately double that number.

With the lapse of time since the election for judgment and words to calm, and in which to measure and analyze the reports that come from the scene of the balloting, it appears that the election fairly represents the actual and normal political tendencies of the north of Ireland. Charges of intimidation and violence flew with the coming of the first reports, and also charges of personation, or "repeating," to use the word familiar in American politics. The best information is that there is little to substantiate the charges of intimidation. It is stated that some 34,000 Sinn Fein and Nationalist votes were cast in Belfast, which hardly would have been the case had there not been ordinary fairness and freedom in the conduct of the election. As to repeating, both sides did what they could in some sections. Quite possibly, each offset the other, with the result that this unfair and dishonorable practice in no way polluted the election, in so far as it ultimately reflects the sentiments of the people. There seems to be no reason to believe that even though the Unionists had the better of the repeating, their victory should be appreciably discounted on that ground.